

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6061 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

HAJI IQBALBHAI MUSAJI MASTER PROP OF MUSLIM TOURS & TRAVELS

Versus

STATE OF GUJARAT

Appearance:

MR MM TIRMIZI for Petitioner

MR ST MEHTA ADDL PUBLIC PROSECUTOR for Respondent No. 1

MR MAHESH BHAVSAR for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 26/10/1999

ORAL JUDGEMENT

#. Rule. Mr.S.T.Mehta, learned APP appearing for the respondent No.1 State and Mr.Mahesh Bhavsar, learned advocate appearing for respondent No.2 - original complainant and waive service of rule for respective respondents. Consequent upon the joint request of the learned advocates for the parties, this matter is taken

up for final hearing today.

#. Mr.Bhavsar tenders affidavit of the original complainant - Haji Iqbalbhai Musaji Master. This court has perused the affidavit tendered by the learned advocate appearing for respondent No.2. Looking to the facts and circumstances of the case, and considering the compromise between the parties and the nature of the dispute, this Court can quash the proceedings initiated on the strength of the complaint launched against the petitioner by exercising the jurisdiction under Section 482 of the Code of Criminal Procedure.

#. It is practice of this Court that where the parties have compounded out of the Court, the proceedings are terminated by this Court by exercising inherent powers. My attention has been drawn to some of decisions of such nature. In case of MAGANBHAI CHIMANBHAI VASAVA VS. STATE OF GUJARAT, Criminal Misc. Application No : 6268 of 1997 (Coram : M.S.Parikh, J.) and other decision referred therein, are relevant and even otherwise in non compoundable offence, this Court has terminated the proceedings where the parties have compounded out of the court and where there is no use of dragging the litigation. This decisions are also referred to by this Court in case of HARSH @ GULU RAMANBHAI BHAVSAR VS. STATE OF GUJARAT rendered in Criminal Misc. Application No : 5577 of 1999 (Coram : C.K.Buch, J.) and the proceedings were terminated. Two affidavits filed by respondent No.2 are considered by this Court and in view of the facts and vis-a-vis the provisions of Section 320 of Code of Criminal Procedure, I am inclined to exercise the jurisdiction vested in this Court under Section 482 of Code of Criminal Procedure. It is therefore ordered that the criminal Inquiry Case No : 139 of 1996 filed by the respondent No.2 against the petitioner under Section 420 and 406 of Indian Penal Code pending in the Court of learned JMFC, Bharuch is hereby quashed and set aside. Rule is made absolute accordingly. No costs.

Date : 26-10-1999 [C.K.Buch, J.]

#KAILASH#